

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-111 are currently pending, with Claims 58-111 withdrawn as directed to a non-elected invention. Claims 1, 21-24, 29, 30, and 55-57 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 21-24 were objected to regarding the spelling of the word "merchandise"; Claims 30-57 were rejected under 35 U.S.C. §112, second paragraph, regarding whether the claims recite inputting information into an inquiry screen; Claims 1-7, 29-33, and 55-57 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 5,999,908 to Abelow (hereinafter "the '908 patent"); and Claims 8-28 and 34-54 were rejected under 35 U.S.C. §103(a) as being unpatentable over the '908 patent in view of U.S. Patent 6,578,014 to Murcko, Jr. (hereinafter "the '014 patent").

Initially, Applicants note that one of the references listed in the Information Disclosure Statement filed April 12, 2004, has not been acknowledged by the Examiner on the Form PTO-1449 submitted with the IDS. Accordingly, Applicants respectfully request that Japanese Application No. 11-25161 be acknowledged in a subsequent Office Action.

In response to the objection to Claims 21-24, those claims have been amended to correct the spelling of the word "merchandise." Accordingly, the objection to Claims 21-24 is believed to have been overcome.

Applicants respectfully submit that the rejection of Claims 30-57 under 35 U.S.C. § 112 is rendered moot by the present amendment to independent Claims 30 and 55-57. Independent Claims 30 and 55-57 have been amended to recite the step of receiving, through the Internet, the opinion information input by the customers. Accordingly, Applicants

respectfully submit that Claims 30-57 clearly recite that customers input information via the Internet.

Amended Claim 1 is directed to a merchandise planning and development system, comprising: (1) a merchandise planning information notice unit for informing many and unspecified customers of merchandise planning and development information relating to planning and/or development of new merchandise through the Internet; (2) a display unit for displaying the merchandise planning and development information received from the merchandise planning information notice unit through the Internet, the display unit further displaying an inquiry input screen for allowing the customers to input opinion information on the merchandise planning and development information, wherein the opinion information is inputted based on virtual information on the merchandise planning and development information when the inquiry input screen is displayed; (3) an opinion information collecting unit for collecting the opinion information of the customers inputted from the display unit through the Internet; and (4) a merchandise information notice unit for informing the customers of information on merchandise designed according to an analysis of the opinion information, through the Internet. Claim 1 has been amended to clarify that opinion information is inputted based on virtual information on the merchandise planning and development information when the inquiry input screen is displayed. The changes to Claim 1 are supported by the originally filed specification and do not add new matter.<sup>1</sup>

Without limiting the invention recited in Claim 1, Applicants note that one advantage of that invention is that opinion information can be collected on virtual merchandise at a merchandise planning stage, which enables collection of the opinion of potential users at an early stage of merchandise planning, without requiring merchandise use.

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<sup>1</sup> See, e.g., pages 40-43 and 49-52 of the specification as well as Figures 1, 3, and 13A-13C.

Applicants respectfully submit that the rejection of Claim 1 (and dependent Claims 2-7) are rendered moot by the present amendment to Claim 1.

Regarding the rejection of Claim 1, the '908 patent is directed to a customer-based product design module configured to interact with customers, gather information from customers, communicate customer information securely to a vendor or an external third party, construct and transmit new preprogrammed interactions to the customer communication system in a product, and analyze and report customer information. In particular, as shown in Figure 2, the '908 patent discloses a system in which users of a product may provide feedback information to the product designers *while the users are using the product.*<sup>2</sup> However, Applicants respectfully submit that the '908 patent fails to disclose a merchandise planning information notice unit for informing many and unspecified customers of merchandise planning and development information relating to planning and/or development of new merchandise through the Internet, wherein the opinion information is inputted based on virtual information on the merchandise planning and development information when the inquiry input screen is displayed, as recited in amended Claim 1.

Initially, Applicants note that the Office Action refers to column 85, lines 20-32 as disclosing the Internet aspects recited in Claim 1. However, Applicants respectfully submit that the cited passage in the '908 patent does not disclose that the embodiments described earlier in the '908 patent are implemented using the Internet, only that the Internet is a relevant digital environment. Each of the embodiments described prior to column 85 in the '908 patent relate to an evaluation of a product while a user is using the product. Moreover, Applicants note that the disclosure in columns 85-91 of the '908 patent is directed to a system in which a user can access a website that identifies valuable information available in a digital environment. In particular, the '908 patent states that, with regard to Figure 34,

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<sup>2</sup> '908 patent, column 18, lines 23 and 24, and column 19, lines 28-30.

a user logs onto the VLR server 1170 to locate addresses of valuable information sources along with descriptions of them 1172. These descriptions would display the rankings, comments and ratings of the environment's information resources based on prior uses of them 1194. While logged on the user could use an information source by linking directly to it (e.g., immediately following the navigational pointed to it provided by the VLR server) 1174.... If the user employed any of the VLR Server's pointers while logged in 1176, appropriate CB-PD Module interactions would be run immediately 1178, 1180.<sup>3</sup>

Accordingly, the final embodiment of the '908 patent is directed a system that ranks information sources (websites) based on user evaluations of the websites, which are provided by the users after the users visit the website. However, Applicants respectfully submit that the '908 patent fails to disclose that customers do not have access to the new merchandise when an inquiry input screen is displayed. Rather, every embodiment of the '908 patent discloses that opinion information about a product, whether the product be a fax machine, a software program, or a website, is obtained after the user interacts with or actually uses the product. In contrast, amended Claim 1 recites a merchandise planning information notice unit for informing many and unspecified customers of merchandise planning and development information relating to new merchandise, and a display unit for displaying an inquiry input screen for allowing the customers to input opinion information on the planning and development information, wherein the opinion information is inputted based on virtual information on the merchandise planning and development information when the inquiry input screen is displayed, as recited in amended Claim 1. Accordingly, for the reasons stated above, Applicants respectfully submit that amended Claim 1 (and dependent Claims 2-7) patentably define over the '908 patent.

Independent Claims 29, 30, and 55-57 recite limitations analogous to the limitations recited in amended Claim 1. Moreover, Claims 29, 30, and 55-57 have been amended in a manner analogous to the amendment to Claim 1. Accordingly, for the reasons stated above

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<sup>3</sup> '908 patent, column 87, lines 19-32.

for the patentability of Claim 1, Applicants respectfully submit that the rejection of Claims 29, 30, and 55-57 (and all similarly rejected dependent claims) are rendered moot by the present amendment to the independent claims.

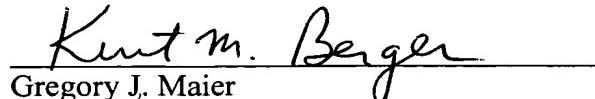
Regarding the rejection of dependent Claims 8-28 and 34-54 under 35 U.S.C. §103(a), Applicants respectfully submit that the '014 patent fails to remedy the deficiencies of the '908 patent, as discussed above. Accordingly, Applicants respectfully submit that the rejections of dependent Claims 8-28 and 34-54 are rendered moot by the present amendment to independent Claims 1 and 30.

Thus, it is respectfully submitted that independent Claims 1, 29, 30, and 55-57 (and all associated dependent claims) patentably define over any proper combination of the '908 and '014 patents.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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